

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

CHANCHAI TARANURUKKUL,

Plaintiff,

V.

LINCOLN NATIONAL CORPORATION,)
Parent Company of and d/b/a in the)
State of Nebraska as Lincoln Financial)
Group, and JEFFERSON-PILOT)
CORPORATION, Parent Company of)
Jefferson-Pilot Financial, a group of)
companies merged with and n/k/a)
Lincoln National Corp.,)

Defendants.

CASE NO. 8:08CV276

ORDER

This matter is before the Court on the Plaintiff's Motion for Leave to File Amended Complaint (Filing No. 22). The Plaintiff previously filed an Amended Complaint in this matter, (Filing No. 5), therefore, the Court will construe the Motion as a Motion to Leave to File a Second Amended Complaint. The Court has reviewed the proposed second amended complaint filed with the Plaintiff's motion, and upon moving counsel's representation that opposing counsel does not object to the filing of an amended complaint, finds that the Plaintiff's motion should be granted.¹

In the proposed second amended complaint, Plaintiff abandons his sexually hostile work environment and systemic disparate treatment claims. Those claims were the subject of the Defendants' pending Motion to Dismiss and/or Strike (Filing No. 12). Therefore, the Court will deny Defendants' Motion to Dismiss and/or Strike as moot.

¹Plaintiff shall correct the caption of the proposed amended complaint to reflect that it is the Second Amended Complaint.

Accordingly,

IT IS ORDERED:

1. Plaintiff's Motion for Leave to File Amended Complaint (Filing No. 22) is granted;
2. Plaintiff shall file and serve the Second Amended Complaint as a separate document, on or before November 21, 2008;
3. Defendants shall then respond to the Second Amended Complaint within the time allowed by Fed. R. Civ. P. 15(a)(3); and
4. Defendants' Motion to Dismiss and/or Strike (Filing No. 12) is denied as moot.

DATED this 13th day of November, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge